

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SB 47

March 24, 2011

SUMMARY OF BILL: Requires all private physicians' and dentists' offices which perform any number of medical or surgery pregnancy terminations be licensed as ambulatory surgical treatment centers.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Under current law, private physicians' offices and dental office practices are excluded from the definition and licensure requirements or ambulatory surgical treatment centers, except for those offices in which a substantial number of medical or surgical pregnancy terminations are performed.
- As a result of the proposed legislation, any physician or dental office which performs pregnancy termination procedures that is not an ambulatory surgery treatment center will have to receive a certificate of need (CON). The Health Services and Development Agency estimates that the number of offices applying for a CON will be minimal and will result in a not significant increase in expenditures to process the applications and a not significant increase in revenue from application fees.
- According to the Department of Health, the Board for Licensing Health Care Facilities has issued only 18 new ambulatory surgery treatment center (ASTC) licenses, since 2006. The Department estimates that any increase in new licenses resulting from this bill will be not significant and will result in a not significant increase in expenditures to process the application and a not significant increase in revenue from application fees.
- Any rulemaking to amend the ASTC rules to comply with the provisions of this bill can be accomplished during regularly scheduled Board for Licensing Health Care Facilities meetings. Any disciplinary actions arising from failure of a physician or dentist to obtain a license will be not significant as there have been zero enforcement actions on ASTC performing abortions in over a decade.
- Pursuant to Tenn. Code Ann. § 4-3-1011, all health-related boards are required to be self-supporting over a two-year period. As of June 30, 2010, the Board of Dentistry had a balance of \$1,307,071.06 and the Board of Medical Examiners had a balance of \$890,444.43.

- Pursuant to Tenn. Code Ann. § 68-11-216, the Board for Licensing Health Care Facilities is required to be self-supporting over a two-year period. The Board for Licensing Health Care Facilities had a balance of \$392,654.16 in FY09-10 and a balance of \$110,798.34 in FY08-09.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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